

**JOINT RESOLUTION AND AGREEMENT
NO. R-1121-08**

STATE OF TEXAS §
COUNTY OF TARRANT §
COUNTY OF JOHNSON §

KNOW ALL MEN BY THESE PRESENTS.

WHEREAS the City of Fort Worth ("Fort Worth") is a home rule city lying and being situated within the Counties of Tarrant, Johnson, Parker and Denton, State of Texas, with a population of more than one hundred thousand (100,000) and an extra territorial jurisdiction (ETJ) of five (5) miles; and

WHEREAS the City of Burleson ("Burleson") is a home rule city lying and being situated within the Counties of Johnson and Tarrant, State of Texas; with a population between twenty five thousand (25,000) and forty nine thousand (49,000) inhabitants and an ETJ limit of two (2) miles; and

WHEREAS Burleson and Fort Worth have areas within their exclusive ETJ that they desire to apportion to promote orderly growth and development; and

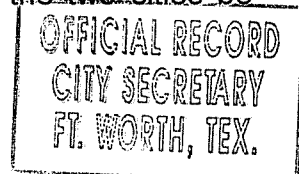
WHEREAS Chapter 43 of the Local Government Code provides that cities may apportion ETJ areas by written instrument; and

WHEREAS Burleson and Fort Worth find that apportionment of their exclusive ETJ boundary lines will be to the benefit of the citizens of both cities and their adjacent areas and will facilitate the elements of planning and services which contribute to orderly growth and development of the regional areas; and

WHEREAS Burleson and Fort Worth now desire to apportion their exclusive ETJ boundary lines, whereby Fort Worth will release from its exclusive ETJ certain land to be relinquished to and become part of the ETJ of Burleson, and Burleson will relinquish to Fort Worth its exclusive ETJ rights as described herein to become part of the ETJ of Fort Worth; and

WHEREAS Fort Worth and Burleson have entered into good faith negotiations for a larger scale adjustment to their respective ETJ and corporate municipal boundaries and Burleson and Fort Worth agree to continue to work towards a mutually agreeable boundary adjustment in the near future; and

WHEREAS it is in the best interest of both Fort Worth and Burleson that certain and exclusive unincorporated areas within the ETJ of the two cities be apportioned.



NOW, THEREFORE, BE IT RESOLVED AND MUTUALLY AGREED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH AND THE CITY COUNCIL OF THE CITY OF BURLESON THAT:

SECTION 1.

The following ETJ boundary realignment between Fort Worth and Burleson as hereby described, is in the best interests of the property owners and inhabitants of both cities.

SECTION 2.

The common ETJ boundary line and apportionment of ETJ between Fort Worth and Burleson is hereby determined, fixed and ratified as follows, with Burleson relinquishing to Fort Worth all ETJ rights which Burleson currently has outside the area shown by the line of ETJ demarcation on the map attached hereto as Exhibits "A-1" and "A-2" and incorporated herein for all purposes (the "ETJ Line") and Fort Worth relinquishing to Burleson all ETJ rights which Fort Worth currently has within the said ETJ Line.

SECTION 3.

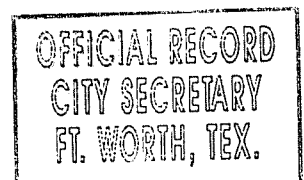
Fort Worth does hereby relinquish and ratify the relinquishment to Burleson all ETJ rights it currently has within the area encircled by the mutual common ETJ Line and apportionment described on Exhibits "A-1" and "A-2".

SECTION 4.

Burleson does hereby relinquish and ratify the relinquishment to Fort Worth all ETJ rights it currently has outside of the area encircled by the mutual common ETJ Line and apportionment described on Exhibits "A-1" and "A-2".

SECTION 5.

Fort Worth agrees not to extend its ETJ into the area designated "Fort Worth Non Encroachment Area" on Exhibit "A-1". But for the "Fort Worth Non Encroachment Area", this Joint Resolution and Agreement does not preclude or prohibit future ETJ expansion by either city.



SECTION 6.

Burleson agrees to disannex the area on Exhibit "A-2" designated as "Burleson City to Fort Worth ETJ" by December 31, 2008, at which time it will become Fort Worth ETJ.

SECTION 7.

Fort Worth and Burleson do hereby covenant and agree to protect, preserve and defend the hereinabove described boundary, realignment and apportionment of ETJ.

SECTION 8.

Fort Worth and Burleson agree and resolve that the adoption of both cities of this Joint Resolution and Agreement, and the relinquishment of the above described territory by each party does not mitigate, diminish or lessen in any way the rights that either party may have at law or in equity, to challenge or contest any other annexations or attempted annexations made by the other party.

SECTION 9.

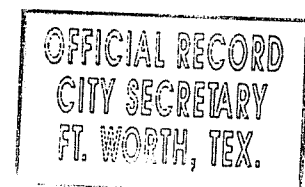
This Joint Resolution and Agreement shall become effective and shall become a binding agreement upon Fort Worth and Burleson by the adoption of same in regular open city council meetings of Fort Worth and Burleson, and upon execution thereof as prescribed in Section 10 hereof.

SECTION 10.

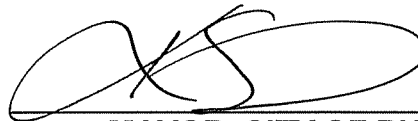
Burleson shall file a copy of this Joint Resolution and Agreement in the Deed Records of Johnson County.

SECTION 11.

Fort Worth shall file a copy of this Joint Resolution and Agreement in the Deed Records of Tarrant County.

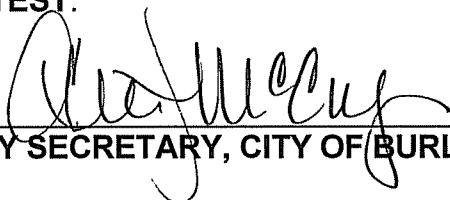


PASSED AND APPROVED by the City Council of the City of Burleson on
this 8th day of May 2008.



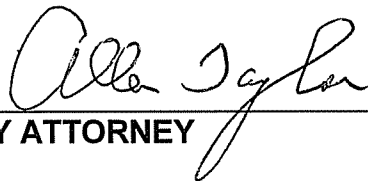
MAYOR, CITY OF BURLESON

ATTEST:



CITY SECRETARY, CITY OF BURLESON

APPROVED AS TO FORM AND LEGALITY



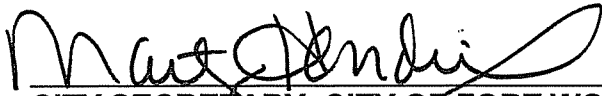
CITY ATTORNEY

PASSED AND APPROVED by the City Council of the City of Fort Worth on
this 3rd day of June 2008.



MAYOR, CITY OF FORT WORTH

ATTEST:



CITY SECRETARY, CITY OF FORT WORTH

APPROVED AS TO FORM AND LEGALITY



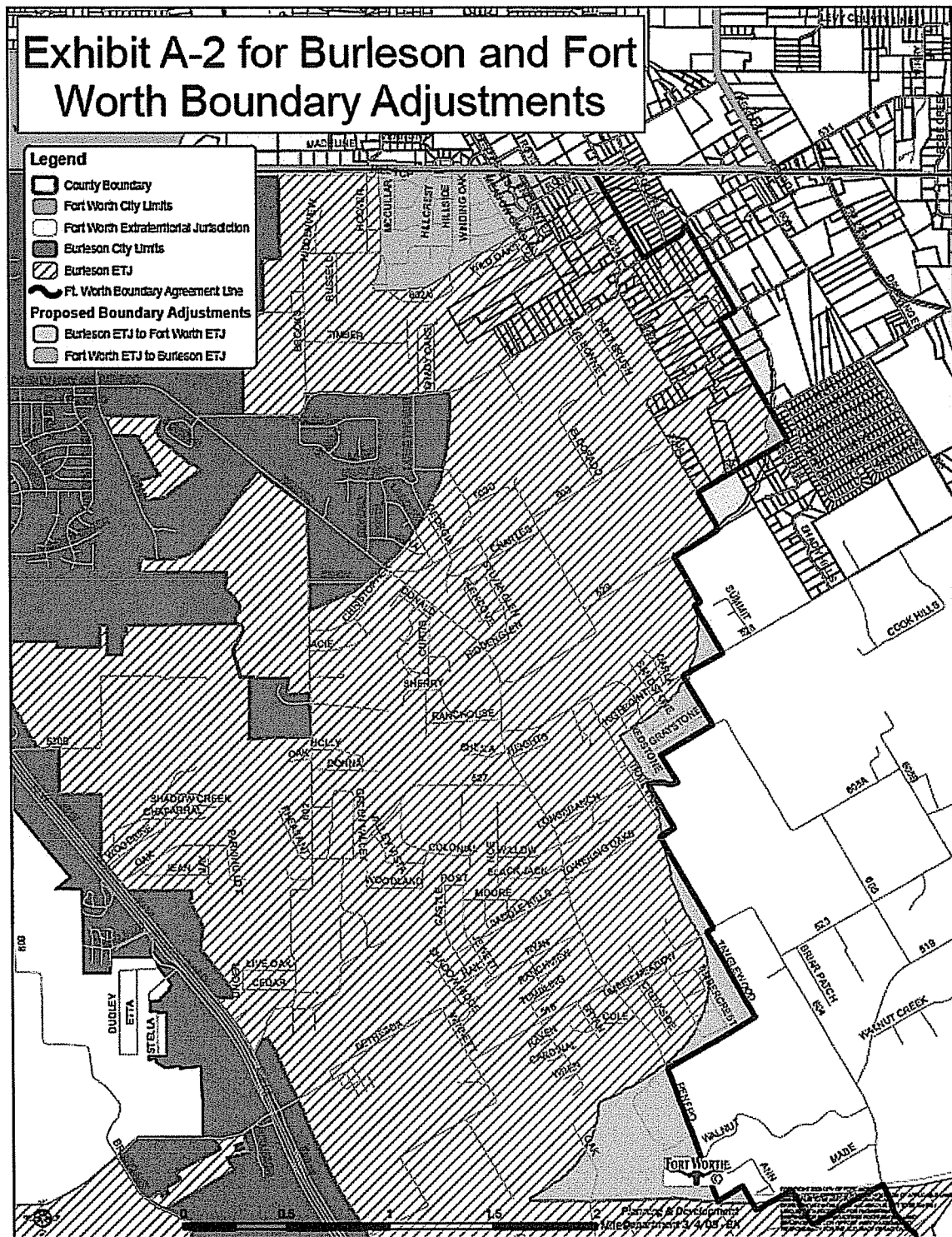
CITY ATTORNEY

Artist.

P72783
Contract Authorization
6/3/08
Date

OFFICIAL RECORD
CITY SECRETARY
FT. WORTH, TEX.

OFFICIAL RECORD
CITY SECRETARY
NORTH, TEX.



OFFICIAL RECORD
SECRETARY
FORT WORTH, TEX.

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 6/3/2008 - Res. No. 3622-06-2008

DATE: Tuesday, June 03, 2008

LOG NAME: 06BURLETJ

REFERENCE NO.: PZ-2783

SUBJECT:

Adoption of Joint Resolution and Agreement with the City of Burleson to Apportion Extraterritorial Jurisdiction, to Release Land Located in the Extraterritorial Jurisdiction of Fort Worth to the City of Burleson and to Accept Land Released from the Extraterritorial Jurisdiction of Burleson to the City of Fort Worth

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the attached Joint Resolution and Agreement with the City of Burleson whereby the cities of Fort Worth and Burleson mutually agree on a common boundary for the extraterritorial jurisdiction, promoting orderly growth and development; and
2. Authorize the Mayor to execute the attached Joint Resolution and Agreement.

DISCUSSION:

The Texas Local Government Code, Section 42.021, establishes the area for a municipality's extraterritorial jurisdiction (ETJ). The City of Fort Worth, with a population exceeding 100,000 inhabitants, has an ETJ of five miles. The City of Burleson, with a population between twenty five thousand (25,000) and forty nine thousand (49,000) residents, has an ETJ of two miles. The Local Government Code makes provisions for municipalities to make mutually beneficial agreements to adjust their ETJ boundaries.

In order to promote orderly growth and development, the City of Fort Worth and the City of Burleson wish to define the boundaries of their respective ETJ's along survey and property lines. Under the proposed agreement, Fort Worth would relinquish approximately 1,120 acres of Fort Worth's ETJ to Burleson. In return, Burleson would relinquish approximately 670 acres of their existing ETJ to Fort Worth. In addition, Burleson would agree to de-annex approximately 75 acres from their city limits before December 2008 that would become a part of the Fort Worth ETJ. The proposed agreement also includes a 675 acre non-encroachment area adjacent to the Burleson ETJ. Fort Worth would agree not to claim this area as Fort Worth ETJ in the future. The agreement will benefit citizens of both cities and will facilitate elements of planning and the provision of services.

The City of Burleson acted on the Joint Resolution at their regularly scheduled May 8, 2008 City Council meeting. Adoption of the Joint Resolution and Agreement by the City of Fort Worth will establish new ETJ boundaries between Burleson and Fort Worth. The proposed new ETJ boundaries are shown on the attached Exhibits A-1 and A-2.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that this action will have no material effect on City funds.

TO Fund/Account/Centers

FROM Fund/Account/Centers

Submitted for City Manager's Office by:

Fernando Costa (6140)

Originating Department Head:

Susan Alanis (8042)

Additional Information Contact:

Allison Gray (8030)
